

11/25/15 Draft Draft

TALKING POINTS FOR Red Hill AOC-Non-Disclosure Agreement (NDA)

-We are actively seeking technical input from various subject matter experts that are not a party to the AOC agreement, such as the Honolulu Board of Water Supply, Department of Land and Natural Resources and the US Geological Survey, to assist in shaping the work that the Navy and DLA are required to perform under the AOC.

-The Regulatory Agencies will be having meetings at the end of the month with the Navy and DLA to discuss the scope of the work to be performed and the required deliverables under the AOC. The regulatory agencies have invited external subject matter experts to these meetings.

-During these meetings, confidential information, including procurement sensitive information, will be discussed. In order to have access to the confidential information, all individuals that are participating in these meetings are required to comply with the federal government's Procurement Integrity Act (41 U.S.C. §423), a federal law relating to the non-disclosure of confidential information and ethical standards relating to conflict-of-interest.

-Parties not covered by state and federal law and/or the terms of the AOC are required to agree to comply with Procurement Integrity Act by signing a Non-Disclosure and Non Conflict of Interest Agreement (NDA). The NDA states that signees will not disclose confidential information and that they do not have a conflict of interest with participation in any acquisition related to the AOC. This requirement protects the federal government and taxpayers from costly contract disputes and lawsuits related to improper release of sensitive information.

- Any data related to Site conditions, including but not limited to, sampling, analytical, monitoring, hydrogeologic, scientific, chemical or engineering data or any other documents or information evidencing conditions at or around the Site are not considered confidential and are available to the public.

-Should any of the subject matter experts decide not to sign the non-disclosure and non-conflict of interest agreement, EPA and DOH will consult with, and work to keep them actively engaged, informed and updated on the implementation of the AOC.